



SENATE AGRICULTURE  
EXHIBIT NO. 5  
DATE 3-24-09  
BILL NO. HB445

March 14, 2009

TO: Senator Don Steinbeisser  
Chair, Agriculture Livestock and Irrigation

FR: Jeff Jacobsen  
Dean and Director

RE: HB445

I have been asked on numerous occasions if there was any potential impact of HB445 on research programs at Montana State University (MSU). It is my understanding that this bill is before your Senate Committee. Although I am not in a position to speak globally for MSU, as Director of the Montana Agricultural Experiment Station (MAES), an agency with statewide research responsibilities for plant and animal agriculture, I can provide some context. The short answer to these inquiries is yes, supported by my description below.

MAES actively participates in plant research, whereby the end result is an improved plant variety, typically of winter wheat, spring wheat and barley. These are our primary plant breeding and genetics programs, although we also have smaller plant research development programs in oilseeds, grasses and forages. With wide grower and allied industry support, we have implemented, the standard of plant variety protection (plant patents) for all of the MSU-MAES released varieties. Nationwide, we are now in the mainstream relative to our public variety release program. In addition, we routinely collaborate with allied agricultural partners on cropping system and pest management programs that utilize licensed or patented diversified crop plants (e.g. seed, unique genetic traits).

With the above brief background, I am concerned on the negative consequences of HB445 on our competitive research programs in MAES, particularly in the bill sections that address 'patented plants' and related components. MAES develops patented plant materials to benefit Montana farmers. As written, MAES would be the patent holder, partner with allied patent holders and farmer. Sections of HB would limit our competitive research programs in MAES and, consequently, impact the competitiveness of Montana farmers.

In addition, I have enclosed a copy of the recently developed Montana Science and Technology Plan that has been developed by the MUS System in partnership with diverse Montana entities. Imbedded in the Plan are plant (and other) research thrusts that would be in conflict with sections of HB445.

Feel free to contact me if you desire further information on this topic. Good luck in your deliberations.

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Dean and Director**

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**Civil Penalty Seed Cases**  
**(2008 to the present)**

Date	Violation	Civil Penalty Assessed
October, 2008	PVP Title V, operating without a license	\$1400
April, 2008	Operating without a license, selling seed that contained noxious weeds, improper labeling of seed	\$800
April, 2008	Operating without a license, improper labeling of seed	\$400